IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE ELIPE DHARMA RAO

WRIT PETITION No. 9043 OF 2005

Between:

Valluru Venkatamma, W/o. Narasaiah,
Thimmapuram Village, Duttalur Mandal,
Nellore Dist.

..... PETITIONER

AND

Mandal Revenue Officer Cum Authorised Officer,

Mandal Revenue Office, Duttalur,

Duttalur Mandal, Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to declare the action of respondent in conducting elections to the Thimmapuram Water Users Association, Thimmapuram ,Duttalur Mandal, Nellore Dist, which are scheduled to be held on 25-4-2005 or any date subsequent as illegal, arbitrary, against and principles of natural justice and against the procedure prescribed under The Andhra Pradesh Farmer's Management of irrigation Systems Act, 1977 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.N.NARASIMHA RAO

Counsel for the Respondent: GP for Irrigation & Comm. Area Dev.

The Court made the following :

ORDER:

The petitioner is owner of agricultural land of Thimma,puram village, Duttalur Mandal, Nellore District and by virtue of his owning land and cultivating his personally, he is entitled to be a voter of the Thimmapuram Water Users Association. While so, though the petitioner made an application to the respondent for inclusion of his name in the electoral roll, under the provisions of the A.P. Farmers Management of Irrigations Systems Act, 1997, but no orders were passed by the respondent, who is the Authorised Officer under the said Act. It is further averred that on 19.4.2005, the voters list was published and on verification the name of the petitioner is not included in the voters list.

When this writ petition came up for consideration, the learned Government Pleader for Irrigation submitted that the authorities have already published the schedule of election and, therefore, the writ petition is not maintainable. If the petitioner is so aggrieved, he is at liberty to question the validity of the election by way of filing Election Petition before appropriate forum, if so advised.

Considering the submission made by the learned Government Pleader for Irrigation, since the election schedule is already published, the writ petition cannot be entertained and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

April 21, 2005

MAS.

To:

1. The Mandal Revenue Officer-cum-Auithorised Officer,

Mandal Revenue Office, Duttalur

Duttalur Mandal, Nellore District.

2. 2 CCs to the Govt. Pleader for Irrigation and CAD, High Court

Buildings, Hyderabad(OUT)

3. 2 CD copies

*Form-NIC-OGS/WP{**CTMP**}*